

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada Bar No. 11479
4 DAVID ANTHONY
5 Assistant Federal Public Defender
6 Nevada Bar No. 7978
7 David_Anthony@fd.org
8 SANDI Y. CIEL
9 Assistant Federal Public Defender
10 California Bar No. 292946
11 411 E. Bonneville Ave., Ste. 250
12 Las Vegas, Nevada 89101
13 Tel: (702) 388-6577
14 Fax: (702) 388-5819
15 Attorneys for Petitioner

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 JOHN BEJARANO,
15 Petitioner,
16 vs.
17 RENEE BAKER, Warden,
18 ADAM PAUL LAXALT,
19 Attorney General of the State
20 of Nevada,
21 Respondents.

Case No. 2:98-cv-1016-GMN-NJK

**PETITIONER'S UNOPPOSED
MOTION FOR AN EXTENSION OF
TIME TO FILE REPLY TO THE
OPPOSITION TO MOTION FOR
CLARIFICATION AND
RECONSIDERATION**

(First Request)

(Death Penalty Habeas Corpus Case)

22
23 Petitioner, John Bejarano, hereby requests an extension of time of fourteen
24 (14) days to file his reply to the State's opposition to his motion for clarification and

25 ///
26
27
28

1 reconsideration. This request is made and based on the following declaration of
2 counsel.

3
4 Respectfully submitted this 24th day of August 2015.

5 RENE VALLADARES
6 Federal Public Defender

7
8 /s/ David Anthony
9 DAVID ANTHONY
10 Assistant Federal Public Defender

11
12 **IT IS SO ORDERED**

13
14 
15 _____
16 Gloria M. Navarro, Chief Judge
17 United States District Court

18 DATED: September 1, 2015.
19
20
21
22
23
24
25
26
27
28

DECLARATION OF DAVID ANTHONY

1
2
3 1. I am an attorney at law, admitted to practice before this Court,
4 employed as an Assistant Federal Public Defender. I represent the petitioner, John
5 Bejarano, in this matter.
6

7 2. Mr. Bejarano's reply to the opposition to his motion for clarification
8 and reconsideration filed by respondents' on August 12, 2015 (ECF No. 188) is
9 currently due on or before August 24, 2015. An extension of time of two (2) weeks
10 is requested, up to and including September 8, 2015 to file the reply. This is Mr.
11 Bejarano's first request for an extension of time.
12

13 3. I have been unable to complete the reply due to filing deadlines in
14 other capital cases that arose over the last ten days that could not be further
15 extended. When I received opposition, I was working on an opening brief in Smith
16 v. Baker, No. 14-99003, which was filed on August 13, 2015. I had previously
17 received four extensions of time from the Ninth Circuit Court of Appeals to file the
18 opening brief.
19
20

21 5. I had a week long evidentiary hearing scheduled in Reno, Nevada, for
22 the week of August 24-28, 2015, in Gutierrez v. Baker, Case No. CR94-1795B,
23 which I had to devote my time and attention to after completing the opening brief in
24 Smith. On August 17, 2015, I was informed during an in chambers meeting that the
25 court needed to continue the date for the evidentiary hearing.
26
27
28

1 6. I was out of the office sick on Tuesday, August 18, 2015. When I
2 returned on August 19, 2015, I drafted an ex parte motion for reconsideration in
3 Lisle v. Baker, No. 2:03-cv-01006-MMD-CWH, which was filed with the federal
4 court on August 20, 2015.
5

6 7. I am requesting two weeks to file the reply so that I can complete the
7 pleading while also meeting other filing deadlines that cannot further be extended. I
8 must file a reply brief with the Nevada Supreme Court in the case of Middleton v.
9 Baker, No. 62869, on August 31, 2015, as I have already sought and received an
10 extension of time of sixty-one days to file the reply brief. I also have a petition for
11 rehearing that must be filed in the Ninth Circuit Court of Appeals on September 8,
12 2015, in Kirksey v. Baker, No. 13-99009, for which I have already sought one
13 extension of time.
14
15
16

17 8. I have contacted counsel for the State, Deputy Attorney General Jamie
18 Resch, regarding the reasons stated above for the instant request for an extension of
19 time, and I am authorized to represent that Respondents do not oppose this request.
20

21 9. This request is made solely for the purpose of protecting Mr.
22 Bejarano's interests, and not for the purpose of delay or any other improper purpose.
23

24 ///

25 ///

1 I anticipate that I will be able to complete and file the reply within two weeks.

2 I declare under penalty of perjury that the foregoing is true and correct and
3
4 that this declaration was executed in Clark County, Nevada, on August 24, 2015.

5
6 /s/ David Anthony

7 David Anthony

8 Assistant Federal Public Defender
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF ELECTRONIC SERVICE

In accordance with Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure, the undersigned hereby certifies that on the 24th day of August 2015, a true and correct copy of the foregoing **PETITIONER'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE REPLY TO THE OPPOSITION TO MOTION FOR CLARIFICATION AND RECONSIDERATION** was served by the United States District Court, CM/ECF electronic filing system to:

Jamie Resch
Deputy Attorney General
jresch@ag.nv.gov

/s/ Felicia Darensbourg
An employee of the Federal Public Defender